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Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record* of the178th meeting
Held at the Palais Wilson, Geneva, on Monday, 30 March 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Croatia

* No summary records were issued for the 176th and 177th meetings.

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The meeting was called to order at 3.05 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Croatia (CRPD/C/HRV/1; CRPD/C/HRV/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*

2. **Ms. Prpić** (Croatia), introducing her country's initial report (CRPD/C/HRV/1), said that there were currently some 510,000 people with disabilities in Croatia, representing 12 per cent of the population. The implementation of the National Strategy of Equalization of Opportunities for Persons with Disabilities for the period 2007–2015 had yielded positive results; the successor strategy would seek to redress shortcomings in the implementation of the Convention and would include more specific measurable indicators to facilitate evaluation and monitoring.

3. Recently adopted legislation enabled persons without legal capacity to exercise their right to vote and introduced provisions rendering the determination of disability and other impairments more efficient and transparent. In addition, Croatia would soon adopt a law recognizing the right of deaf and blind-deaf persons to use sign language or other communication systems adapted to their needs and legislation on the use of assistance dogs. The Government awaited the decision of the Constitutional Court regarding the Family Act of 2014, which had been suspended and which, if reinstated, would affirm the right of every child to live in a family. The new Act on Vocational Rehabilitation and Employment of Persons with Disabilities established minimum targets for employing persons with disabilities, coupled with incentives for doing so. Moreover, traffic infrastructure and buildings and other spaces were being adapted to the needs of persons with disabilities. In 2014, the authorities had intervened in 0.18 per cent of construction or renovation cases to remedy inadequate access to buildings for persons with disabilities.

4. Non-governmental organizations (NGOs) representing persons with disabilities were valuable partners in the drafting, updating and implementation of relevant legislation and policies. In 2013, the Government had spent more than half a billion kunas to fund programmes and projects of such NGOs.

5. In 2014, the Government had adopted a plan to deinstitutionalize persons with disabilities and reform the functioning of social welfare homes. Despite funding shortages, it planned to deinstitutionalize more than 1,000 persons with disabilities, out of a current total of nearly 7,000 living in institutions, by the end of 2016. To ensure success, the Government was increasing its emphasis on inclusive education and enhancing such community services as supported housing, day care, interpretation and assistance dog services, along with support for children with developmental difficulties.

6. **Ms. Degener** (Country Rapporteur) said that Croatia was to be commended for having been among the first countries to ratify the Convention, in 2007, and for its progress since then in protecting and promoting the rights of persons with disabilities. Nevertheless, much remained to be done. For example, more support was needed for children with disabilities and their families, so that fewer such children would be institutionalized. Children with autism appeared to suffer particularly from neglect, mistreatment and social exclusion.

7. The rate of education among persons with disabilities in Croatia was very low, especially among women and girls, and she urged the State party to safeguard their right to education, including secondary education.

8. Despite recent moves to deinstitutionalize persons with disabilities, enjoyment of the right to live independently remained elusive for many of them because acceptable alternatives to institutions were lacking and personal assistance services were not always adequate. Why were privately run institutions and psychiatric hospitals not covered by the current plans for deinstitutionalization?

9. While recent legislation requiring the consent of all types of patients to medical interventions was laudable, in practice the right to freedom from forced interventions did not seem to be fully protected. The law permitted many exception that might not be in line with the Convention. Many cases of abuse of the rights of persons with disabilities in institutions, including psychiatric hospitals, had been documented in recent years and she therefore wished to know whether such abuses persisted and whether the perpetrators had been prosecuted and legal redress provided. The question of whether the Family Act, currently suspended, which permitted involuntary sterilization and disproportionately affected women and girls with disabilities, was in line with the Convention merited further discussion.

10. Were organizations representing persons with disabilities allowed to exercise their advocacy role, or were they restricted to providing essential social services? She wondered whether the State party was fulfilling its obligations under article 4, paragraph 3, of the Convention.

Articles 1–10

11. **Ms. Kingston** asked to what extent people with disabilities were involved in the development, implementation and evaluation of policies affecting them. She asked whether policymakers ensured that people thus involved represented the diversity of people with disabilities in Croatia and included, for example, representative numbers of women, children, persons from rural areas and members of ethnic minorities.

12. She would welcome clarification of the definition of reasonable accommodation, especially in the context of employers' obligations.

13. She was concerned at the obstacles faced by parents who decided to raise children with disabilities at home. There seemed to be a lack of community-based programmes to help children and their parents.

14. **Mr. Tatić** said that he would like more information about the role of the National Disability Council in reviewing legislation relating to persons with disabilities. Was all such legislation reviewed by the Council before being adopted?

15. He would be grateful to be given examples of how reasonable accommodation was made in such areas as education and public transport.

16. He asked how the benefits available to unemployed parents of children with disabilities affected the inclusion of such children, given that the benefits were apparently paid only if the children did not attend school or take advantage of social support services.

17. Regarding the statement that 0.18 per cent of construction cases in 2014 had required intervention to remove barriers to accessibility, he asked how many actual buildings that percentage represented. He wondered what form such intervention took, and whether fines or other sanctions were imposed on those who had neglected to ensure accessibility.

18. **Mr. Ruskus** asked what steps the State party was taking to move from an exclusively medical definition of disability to one based on human rights considerations.

19. **Mr. Langvad** asked what resources the State party provided to organizations representing persons with disabilities. He asked how such persons were perceived in

Croatia and what steps were being taken to dispel stereotypes concerning them. Noting that accessibility was an important aspect of guaranteeing inclusion, he asked how the accessibility of buildings was monitored and what sanctions were imposed for breaking the applicable laws.

20. **Ms. Degener** said that the practice of linking entitlement to certain social services and benefits with the cause of a person's disability put people born with disabilities at a disadvantage. She asked whether the practice would be changed. She also asked whether Croatian law treated the segregation of people with disabilities in educational, work or residential settings as discrimination.

21. Women with disabilities seemed to be at a particular disadvantage in Croatia, attaining lower educational levels, suffering higher unemployment and being more likely to endure violence in families and institutions. Did the State party plan to promote the empowerment and advancement of women with disabilities?

22. She asked whether children with disabilities were able to participate on an equal footing with others in town- and county-level children's councils.

23. The accessibility of buildings, transportation and information for people with disabilities in Croatia seemed to be limited. Furthermore, the concept of accessibility seemed to be construed as pertaining only to physical access, not to information and communication services. She wondered whether the State party intended to remedy the situation.

24. **Mr. Parra Dussan** asked how the State party safeguarded the social, cultural and educational rights of persons with disabilities. In the light of the *pro homine* principle, he asked whether Croatia had any laws affording people with disabilities greater protection than that afforded by the Convention.

25. **Ms. Peláez Narváez** said that the Committee was concerned about the high rate of neglect of children with disabilities in Croatia. Many were placed in institutions — often psychiatric hospitals — where they were not cared for, lacked access to education and health care and were not protected from violence and sexual exploitation. Moreover, many were denied adoption because they were in institutions where children were not eligible for adoption. At the same time, families wishing to raise their own children with disabilities were not helped to do so. The Committee on the Rights of the Child had drawn attention to those issues and she asked how the State party planned to tackle them.

26. The Committee on the Elimination of Discrimination against Women had, as early as 1998, requested information about how women and girls with disabilities were cared for in Croatia. To her knowledge, those requests remained unanswered and she asked how the State party intended to meet its commitments under the Convention and the other international human rights instruments.

27. **Mr. Pyaneandee** asked whether the State party would consider replacing its definition of a person with disabilities by a fully fledged human rights model. He also asked whether the State party would be prepared to set aside sufficient funds to ensure that organizations of persons with disabilities received training in advocacy and requested more information on plans to raise awareness of the Convention.

28. **Mr. Buntan** said that he would welcome clarification of the current status of accessibility standards. He asked whether such standards were in line with the Convention or internationally recognized standards and whether organizations of persons with disabilities participated in their development, implementation and monitoring.

29. **Mr. Basharu** said that he would appreciate information on the portrayal of persons with disabilities, particularly deaf persons, in the Croatian media. He also asked whether

the State party would consider promoting and granting official status to Croatian Sign Language.

30. **The Chairperson**, speaking in her personal capacity, asked how the State party ensured the inclusion of autistic children, deaf-blind children and children who required a high level of care and support.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

31. **Mr. Benjak** (Croatia) said that the State party had been working for the past few years to establish a unified set of criteria for disability. Furthermore, a law on a single expertise body had been adopted following work carried out by a group of experts in cooperation with persons with disabilities and their representatives. The International Classification of Functioning, Disability and Health had been translated into Croatian and trial runs had been carried out to test the functional disability assessment system and to include persons with disabilities in the assessment process. Based on the International Classification of Functioning, Disability and Health, a unified list of functional abilities had been drawn up, together with an impairment/functionality grading system, which took into account the most significant daily activities of the various groups of persons with disabilities. The list identified four levels of impairment and, on completion of the assessment process, persons with disabilities were assigned two grades, one relating to the level of physical impairment and the other to the level of impairment of functionality, on the basis of which persons with disabilities could exercise their rights. The relevant World Health Organization (WHO) guidelines had been incorporated into the system of expertise.

32. **Mr. Sočanac** (Croatia) said that, under the Anti-discrimination Act, disability and the erroneous assumption of the existence of disability constituted grounds for discrimination. The Ombudsman and the Ombudsman for Persons with Disabilities were the competent bodies in the field of discrimination on the basis of disability. He referred the Committee to the information provided in paragraph 31 of his country's report on a European Union-backed project designed to promote equality in the labour market. Awards were presented to employers, in order to encourage diversity in the labour market, promote the protection of human and labour rights within the workplace and raise awareness of and disseminate best practices in the field.

33. He wished to draw the Committee's attention to the definition of "reasonable adaptation" contained in the Anti-discrimination Act and set out in paragraph 19 of the report. Following on the National Plan for Combating Discrimination for the period 2008–2013, work was under way to design measures to combat discrimination based on disability, which had been identified as a priority under the National Programme for the Protection and Promotion of Human Rights. One of the goals of the Programme was to promote the implementation of the principle of universal design, with a view to improving access to public transport and public and other services. There were also plans to identify public institutions that facilitated access to their premises by persons with disabilities, to monitor compliance with accessibility regulations and, if need be, to impose sanctions for non-compliance.

34. The Croatian Union of Associations of Persons with Disabilities and the Office for Human Rights and Minority Rights had launched a campaign to raise public awareness of violence against women with disabilities and in 2014 the Ombudsman for Gender Equality had held a seminar on hate crimes against persons with disabilities.

35. **Ms. Fišer Marković** (Croatia) said that the participation of persons with disabilities in the development and implementation of legislation and policies was regulated by legislation on the right to access to information, public consultation and the assessment of the impact of regulations. The Government included all interested parties in the regulation-making process, with consultations lasting at least 30 days. A consultation mechanism

composed of public officials and representatives of civil society organizations (including organizations of persons with disabilities) had also been put in place, focusing on the development of civil society. There were plans to set up an online service to provide the public with information on consultations.

36. As to the accessibility of the Internet and web portals, a new online service had recently been launched, through which persons with disabilities would eventually have access to public data.

37. A range of new regulations had been introduced to increase financial support for organizations of persons with disabilities and to set our parameters for their advocacy activities and social service provision.

38. **Ms. Prpić** (Croatia) said that the State party had adopted legislation on Croatian Sign Language and other forms of communication and on the use of service dogs.

39. **Ms. Mišić** (Croatia) said that the State party had adopted the definition of "reasonable accommodation" contained in the Convention and had placed it in the context of the exercise of the right of persons with disabilities to work and to be employed. Employers had a legal obligation to provide reasonable accommodation in the workplace. That process mainly involved removing physical barriers to accessibility, making technical adjustments to working conditions, introducing specific technologies to assist employees with disabilities in their work, aligning business processes with the abilities of such employees and providing expert support in the workplace. There had been a significant increase in the number of payments made to encourage employers to implement reasonable accommodation measures, possibly owing to the introduction of a quota system for persons with disabilities.

40. **Ms. Bogdanović** (Croatia) said that the State party had begun the process of deinstitutionalization of persons with disabilities in 1997. An operational plan had been drawn up to that effect and work was under way to transform social welfare centres into social service providers. Expert staff worked with persons with disabilities to ensure that they were ready to enter the wider community. Participants in the process had a say in where, how and with whom they wished to live and received support within the community from retrained social welfare centre staff. A number of associations provided assistance relating to inclusion and significant progress had been made in that regard, particularly in the case of persons with intellectual impairments. The results of the deinstitutionalization work carried out had been excellent, with only a small number of persons with disabilities returning to social welfare centres. Community living had led to increased cooperation between persons with intellectual disabilities and their psychiatrists and a decrease in the use of therapeutic medication. In view of a shortage of living space, State-owned premises had been made available. Funding was provided by both the State and private donors. Cooperation had been established with social welfare centres, and individual community re-entry programmes were drawn up with persons with disabilities and their relatives, friends and social workers. A further 43 persons with disabilities would enter the community by the end of 2015.

41. The number of children with impairments in institutional care was falling and ever more children were being enrolled in mainstream primary and secondary schools. Although such students received educational assistance and followed a separate curriculum, they studied alongside their non-disabled classmates.

42. Croatia was cooperating with UNICEF on early intervention in order to ensure the inclusion of all children in mainstream education. Girls and women with disabilities were less likely to complete education and find work than boys and men with disabilities. Work had been undertaken to identify needs and ensure equality between the regions in respect of service provision. However, some children with disabilities still had to travel to larger cities to gain access to services. The European Union had provided a large amount of funding for

the adaptation and refurbishment of accommodation in line with the principle of universal design.

43. Scholarships and training programmes were being provided to ensure that properly trained personnel were evenly distributed across the country.

44. **Ms. Prpić** (Croatia) said that, under the Social Welfare Act, parents caring for children with disabilities requiring specialist care and medical treatment or children with multiple severe impairments could receive benefits. Over 3,000 parents currently received such payments. Community-based psychosocial support and early intervention services were also available. Children with disabilities cared for by their parents could attend school or a medical or social institution for four or more hours per day.

45. **Ms. Novaković** (Croatia) said that a legislative framework governing the accessibility of buildings had been put in place, in the form of the Law on Physical Planning and Construction and an ordinance on accessibility for persons with disabilities and reduced mobility. Those instruments provided for a system of fines for failure to comply with accessibility standards at every stage of construction and applying to all participants in the construction process, including architects, builders and engineers. In addition to fines, usage permits were not issued for buildings not in compliance with accessibility standards. If any shortcomings were identified during the inspection of a building, a deadline was set for completion of remedial work, after which the fine was imposed. In recent years, the number of inspections carried out had increased, but the number of irregularities identified had decreased considerably. Accessibility was thus ensured for new or reconstructed buildings, but problems sometimes arose in relation to the adaptation of existing buildings, particularly those forming part of the cultural heritage. The ordinance was in line with international and European standards and had been drawn up over the course of two years in consultation with all stakeholders, including organizations of persons with disabilities, architects, investors and engineers. Guidelines to facilitate implementation had been adopted, a copy of which would be provided to the Committee, and awareness-raising activities had been conducted nationwide. Persons with disabilities and independent experts also participated in the technical examination of buildings.

46. **Mr. Jurišić** (Croatia) said that, over the past five years, significant efforts and financial resources had been invested in improving access to maritime and rail transport for persons with disabilities, for example by adapting harbours and ferries. As for road transport, the new buses being acquired were adapted to the needs of persons with disabilities. In accordance with a European Union directive, transport terminal managers and operators who failed to accommodate the needs of persons with disabilities faced fines of between 5,000 and 30,000 kunas.

47. **Ms. Skoko-Poljak** (Croatia) said that each county had its own institute for emergency medicine, which met European medical standards. The emergency medicine system had been successfully reorganized and constant efforts were being made to improve the system and ensure an equal standard of care for all. Training of personnel was the foundation of the system. With regard to the placement of persons with mental illness in psychiatric institutions, forced institutionalization took place only on the basis of a court order, if the person concerned had been found guilty of a criminal offence or constituted a risk to his or her own life or that of others.

48. **Ms. Majko** (Croatia) said that 1.4 per cent of all persons with disabilities received disability benefits under the Law on the Rights of the Croatian Homeland War Veterans and Members of Their Families.

49. **Ms. Jakir** (Croatia) said that the Croatian education system was modern and inclusive. Reasonable accommodation and adequate support were provided for children with disabilities who were included in the mainstream system. Seventeen thousand students with some form of disability were enrolled in elementary education, only 3,000 of them in special institutions. For children in rural areas, the wishes of parents for the child to receive

education close to home were respected as far as possible. The system of educational assistants was sustainable, regardless of austerity measures, since it would continue to be funded by the European Social Fund. Under the Croatian approach, the system was adapted to the student rather than the student being forced to adapt to the system. In the interests of inclusion, school transportation was provided for children with disabilities. At the secondary level, the approach was still very conservative, but efforts were being made to modernize it. The current revision of school curricula would take account of the principle of inclusion.

50. **Mr. Al-Tarawneh** said that there did not appear to be any clear plan of action to ensure accessibility by applying a comprehensive format such as universal design. It was not clear how the State party was tackling the removal of architectural barriers from existing facilities and how legislation was being enforced in relation to newly designed facilities. He would be interested to hear what role municipalities and other entities played in that regard and how professional associations of engineers and architects raised awareness of the need for accessibility. He was concerned that fines were being used as a substitute for bringing about real accessibility and guaranteeing the rights of persons with disabilities.

Articles 11–20

51. **Ms. Kingston** asked whether there were plans to review the current system of civil protection and ensure that operational plans contained provisions on the evacuation and rescue of persons with disabilities, including children. She would welcome information on measures taken to include persons with disabilities, especially deaf people, in national emergency protocols.

52. Noting that some 18,000 persons with psychosocial or intellectual disabilities lacked legal capacity and that a system of partial guardianship or partial restriction of legal capacity also existed, she asked how the expected court reviews of decisions on deprivation of legal capacity would secure the rights of persons with disabilities and how the Government would ensure that individuals at risk of deprivation or limitation of legal capacity would be able to participate in person in all court proceedings relating to that deprivation of legal capacity.

53. Noting that the use of forced psychiatric treatment and restraints in order to control and discipline behaviour appeared to be widespread, she asked whether the State party understood the use of restraints to be a form of torture. She asked what support mechanisms were in place for persons with psychosocial disabilities to live outside an institution and participate in the community and why non-State institutions, psychiatric hospitals and "family homes" were not part of the deinstitutionalization process.

54. **Mr. Tatić** said that the delegation should provide information on disability-inclusive disaster risk management, in the light of the severe flooding in the country the year before. He wondered whether the State party intended to adopt legislation guaranteeing the right of persons with disabilities to personal assistance.

55. **Mr. Langvad** asked what steps were being taken to repeal article 505 and related provisions of the Family Act to completely ban involuntary sterilizations and forced abortion for persons with disabilities. He asked whether persons with disabilities who required assistance had a choice as to where they lived.

56. **Ms. Degener** said that she wished to draw the delegation's attention to the Committee's general comment No. 1 on article 12 and asked whether the State party was willing to take action, as outlined in the general comment, on replacing substitute decision-making by supported decision-making. She would be interested to know whether persons with disabilities charged with offences received reasonable accommodation in court and in prison. The delegation should comment on whether there were any plans to change the law and practice to prevent persons with disabilities from being detained on the grounds of their

impairment and to provide training to medical professionals on the rights of persons with disabilities under the Convention. While she welcomed the fact that shelters for victims of domestic violence had been adapted to meet the needs of women with disabilities, she was concerned that mainstream services for victims of violence were still not accessible to persons with disabilities and, in particular, that women with disabilities were less protected than other women against violence by family members or in institutions. She asked whether there were any plans to introduce an independent mechanism to supervise service providers.

57. **Ms. Quan-Chang** asked whether there was any independent mechanism for the prevention of torture that considered the use of restraints on persons with psychosocial disabilities in institutions to be a form of torture. She also asked whether there were any plans to set up an independent authority to protect persons with disabilities against violence, abuse and exploitation.

58. **Mr. Ruskus** asked whether families that did not wish to place children with disabilities in institutions had any alternatives to caring for them in their own home. In the event that parents could no longer care for a child because of illness or death, what measures were in place to prevent the child from being institutionalized?

59. **Ms. Peláez Narváez** asked what safeguards were in place to protect the right of children with disabilities to be consulted on all matters that affected them directly. She wished to know how the State party ensured access to justice for persons with disabilities who had been the victims of abuse, especially those who were under the guardianship of another person or in a closed institution. Given the high level of violence against persons with disabilities and the limited number of accessible shelters, she wished to know what measures the State party planned to adopt to meet its responsibilities under article 16. She would be interested to know how the rights of persons with disabilities were incorporated into the protocols and procedures of health-care and law-enforcement personnel. She asked how it was ensured that persons with disabilities accommodated in "family homes" were included in the community and protected from abuse and violence and that the persons running those homes were not financially motivated.

60. **Mr. Kim** Hyung Shik asked the delegation to comment on mobility in relation to independent living and how the outcome of independent living was monitored.

61. **Mr. Buntan** asked whether the Government had taken any steps to guarantee access to emergency information, particularly the Europe-wide 112 emergency telephone number, for persons who were deaf or deaf-blind. He wondered whether the State party had taken any steps to encourage persons with disabilities to take up professions in the legal field.

62. **The Chairperson**, speaking in her personal capacity, asked, with reference to the forced institutionalization of persons with disabilities who were accused of committing a crime, what the effect was of a declaration of disability, particularly a psychosocial or intellectual disability, and whether security measures were applied in respect of the individual concerned. She asked whether the impact of the strategy for the protection of persons with disabilities against violence had been measured.

The meeting rose at 6 p.m.

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Summary record of the 179th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 31 March 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

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Initial report of Croatia (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of Croatia (continued) (CRPD/C/HRV/1; CRPD/C/HRV/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Croatia took places at the Committee table.*

2. **Ms. Meić** (Office of the Ombudsman for Persons with Disabilities, Croatia) said that she was pleased that the issues on which the help of the Ombudsman's Office was most frequently sought — namely, early intervention for children with disabilities and support for parents of children with autism — had been taken note of by the Committee and addressed by the Croatian Government. She commended the Government for its commitment to ensuring the rights of persons with disabilities, which involved, among much else, the establishment of the Ombudsman's Office, itself headed by a woman with a disability. Although the steps taken by the Government to address the lack of community-based services for persons with disabilities were a positive development, however, it was worrying that, instead of providing an assessment of the support services offered in the country, the Government had settled for enumerating them.

3. The Ombudsman's Office was pleased to note that the Ministry of Education recognized that access to secondary education was difficult for children with disabilities and welcomed the use by government representatives of such terms as "inclusion" and "reasonable accommodation". It was regrettable, however, that, despite the recommendations of the Office, those terms had not been used in the legislation pertaining to the education of children with disabilities and that the provision of reasonable accommodation had not been required. The hope of the Office was that the current constructive dialogue would prompt changes to Croatian law. In the area of employment, the term "reasonable accommodation" had been defined, but, judging by the number of discrimination cases handled by the Office, employers would have to be made more aware of their obligations. A public awareness campaign was therefore in order.

4. She welcomed what she took to be the Committee's intention to touch on the severe shortage of outpatient psychosocial support in Croatia and on the country's medical professionals' apparent failure to realize that coercion, still fairly widespread, amounted to humiliating and degrading treatment. Croatian government ministries, for their part, would do well to name focal points for disability issues and provide them with the resources to keep those issues visible in their respective ministries. At the same time, the Government should lead public awareness campaigns to forcefully convey the idea that persons with disabilities were persons endowed with rights, not merely individuals in need of special care.

Articles 1-10

5. **Ms. Novaković** (Croatia) said that builders in Croatia were required to submit accessibility plans for any new building or reconstruction project. Otherwise, no building permit would be issued. The overarching objective was not to fine recalcitrant builders but to give them opportunities to revise their plans and thus ensure accessible buildings. Inspections were conducted to ensure that the accessibility measures described on paper were translated into reality. Usage permits could be withheld if they were not. The problem of accessibility was especially acute in older buildings, whether public or private. Unlike individual ministries, which kept records for the buildings under their purview, the State did not keep a centralized register of all the buildings that posed accessibility problems. The

topic of universal design was included in the curricula of engineering and architecture schools.

6. **Ms. Majko** (Croatia) said that, since 2004, Croatia had had a project devoted to removing barriers from existing buildings. The aim was to provide financing to retrofit the buildings used by regional administrations and to make them accessible to persons with disabilities. The project targeted health-care and social welfare centres, hospitals, schools, and sports and cultural facilities. Representatives of organizations of disabled persons contributed their knowledge and experience to the project, which led to improved accessibility in both urban and rural areas.

Articles 11–20

7. **Mr. Benjak** (Croatia) said that, under Croatian law, there were specific guarantees against discrimination by the rescue services. During the catastrophic floods of 2014, thousands of people had been evacuated from large areas of the country. Fatalities had been kept to a bare minimum and there had been no outbreaks of epidemic disease. An emergency number, 112, was accessible to persons with a hearing impairment and the emergency services could also be contacted by fax. Lastly, Croatia had a special mobile phone application that enabled persons with a hearing impairment to receive alerts and advice in situations of risk and humanitarian emergencies.

8. **Ms. Skoko-Poljac** (Croatia) said that sterilization could not be performed on a woman simply because she had a disability. There must be medical grounds for the procedure. The parents or legal representatives of persons without legal capacity could apply to have those persons undergo sterilization, but applications had to be made through the local social welfare office and they were granted only after review by a hospital committee composed of a doctor, a nurse and a social worker. The Ministry of Health, hospital boards and professional associations were involved in oversight of the process.

9. Under the law, persons with a mental impairment could be subjected to coercion only when they were a direct threat to themselves or to others and only if there was no other means of dealing with the threat. Psychiatric hospitals were required to report twice a year on the coercive measures they used. If those measures involved children, however, the law required that they should be reported each time they were used. In addition, persons subjected to coercive measures had a number of avenues through which to contest the justification for those measures. The Ministry of Health intended to draft detailed instructions regarding coercive measures and to provide the impetus for a programme of in-service training to ensure that the law was enforced. Training was also provided by the Office of the Ombudsman for Persons with Disabilities. The latest report of the Ombudsman's Office, however, had stated that Lopača Psychiatric Hospital required additional oversight and that compliance with the regulations on coercion should be monitored by more than one institution.

10. The Ministry of Health provided funding to civil society organizations that worked for the socialization of persons with mental impairments and promoted patients' rights. Some such organizations, which offered activities ranging from legal consultations to group therapy, operated out of the psychiatric hospitals themselves.

11. **Ms. Frangeš** (Croatia) said that the parties to a criminal case had the right to use their own language, including sign language. If necessary, interpreters would be provided. Interpretation via video link or telephone was also possible. The cost of interpretation was borne by the State, regardless of the outcome of the case. Witnesses who were unable to travel were also accommodated. The administration of the prisons housing accused persons regarding whom a determination of insanity had been made was duly notified and the

person in question was referred to a psychiatric institution. Despite the current austerity measures, accessibility was ensured at all offices of the Ministry of Justice.

12. Regarding liberty and security of the person, she said that Croatia had set up a national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment. Recent amendments to the act establishing the mechanism would lead to a greater number of inspections of places of detention.

13. **Ms. Bogdanović** (Croatia), replying to a question about the measures that had been taken to ensure that parents were not compelled to institutionalize their children, said that parents of children with disabilities were entitled to monetary support or to services, which were provided locally by social welfare centres. Following a diagnostic assessment, professional help was provided. Parents themselves, however, were taking an increasingly active role in surmounting the difficulties that they and their children faced. Efforts were being made to ensure more comprehensive provision of early intervention services, so that children would not have to be separated from their parents. In some cases, parent caregivers were entitled to work half time and receive a full salary. Prolonged leaves of absence were also possible. Teachers were trained in the best ways of providing support to children with disabilities attending mainstream schools. She was unaware of any case in which a child had been kept in complete isolation.

14. In April 2013, Croatia and the United Nations Children's Fund (UNICEF) had signed an agreement on an early intervention programme for children on the autism spectrum. The aims of the country's considerable efforts in that area included opening diagnostic centres in the major cities and ensuring that children with autism enrolled in mainstream schools. More than 600 persons with physical disabilities in all areas of the country had been assigned personal assistants, paid for by the State and with additional support from the European Social Fund, to help them live independently. Despite the recession, the amounts earmarked for such services had been growing steadily. Until the State was in a position to ensure that every person with a disability was provided with a personal assistant from the public social welfare system, however, it would work with associations to meet user needs. Efforts were being made to ensure that persons with disabilities did not lose access to services or benefits if they moved to another part of the country. The law provided for inspections of "family homes" and inspectors had the power to shut down homes or institutions that were not in compliance with the law. In fact, two such homes had recently been closed and their residents accommodated elsewhere.

15. Under the Constitution, Croatian was the official language of the country. Nonetheless, the country's associations of deaf persons and persons with hearing impairments had lobbied successfully for a legal framework for the use of sign language.

16. Steps had been taken to promote supported decision-making for persons with disabilities without legal capacity. However, long-term reform of the national judicial system would be required to fully implement the provisions of the Convention in that regard. The Committee for Persons with Disabilities was the advisory body to the Government on disability issues. It comprised 33 members drawn from a wide range of State bodies and actively participated in the implementation of the Convention at the national level.

17. **Ms. Grbac** (Croatia) said that protocols had been established to combat violence against persons with disabilities, providing for severe penalties. In cases of violence against persons with disabilities, social welfare centres arranged temporary shelter and psychological support for victims. There was also a domestic violence helpline that was accessible to persons with disabilities and an information website that provided guidance and support. An independent mechanism had also been introduced to monitor institutions

housing persons with disabilities and, where appropriate, investigate and prosecute perpetrators of violence.

18. **Mr. Margaletić** (Croatia) said that the Government fully supported the proposal for a European Council directive on the accessibility of public sector bodies' websites and intended to launch the e-Croatia programme in 2015 in an effort to improve access to new technology for persons with disabilities.

19. **Ms. Gospodinović** (Croatia) said that legislation had been implemented to ensure that instances of exploitation, violence and abuse of persons with disabilities were identified, investigated and prosecuted. Specially trained police officers were responsible for handling cases of violence against persons with disabilities and providing support and assistance. General police training also contained a module on the management of cases involving persons with disabilities, focusing particularly on the specific needs of women and children with disabilities. The Government closely monitored cases of violence against persons with disabilities and the total number was very low.

20. **Ms. Kingston**, after welcoming the State party's ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled, said that she would welcome further information regarding the availability of accessible formats for visually impaired persons and alternative modes of communication for persons with disabilities in the State party. As to respect for home and the family, she wished to know whether the Government had compiled a comprehensive database of children with disabilities requiring early intervention and rehabilitation and whether steps had been taken to ensure that such intervention and rehabilitation adequately responded to their needs. Noting the segregated nature of secondary school education in Croatia, she asked what measures were in place to build a more inclusive education system. Regarding work and employment, she requested the delegation to comment on reports that reasonable accommodation measures in the workplace failed to function properly in practice. In view of the lack of specific statistical data held on persons with disabilities, she wished to know what steps would be taken to improve the quality of data collection and whether there were plans to involve persons with disabilities, including children with disabilities, in the collection and processing of data. Concerned that the State party's international cooperation efforts were mainly focused within Europe, she asked whether the State party intended to expand the scope of its international development programmes. She also wished to know what steps Croatia had taken to support the inclusion of persons with disabilities in the post-2015 development agenda. Lastly, she enquired about the legal status of the Office of the Ombudsman for Persons with Disabilities and the measures taken to facilitate the full participation of organizations of persons with disabilities in the monitoring of the Convention.

21. **Mr. Tatić** asked how many trained sign language interpreters there were in Croatia and whether that number was enough to meet the needs of deaf persons. He also wished to know what steps had been taken to ensure that persons with disabilities could take part on an equal basis with others in cultural life and had access to sporting, recreational and tourism venues.

22. **Mr. Lovászy** said that he welcomed the State party's implementation of the World Health Organization International Classification of Functioning, Disability and Health but stressed that its new approach should focus primarily on environmental factors and promote social inclusion rather than seeing disability in exclusively medical terms. Noting the recent amendments to the Employment Act, he asked what reasonable accommodation was available in the workplace and how many private companies had met the national quota for employing persons with disabilities. Lastly, he enquired whether steps had been taken to ensure that deaf and hard of hearing persons had access to sign language interpreters during judicial proceedings.

23. **Ms. Degener** (Country Rapporteur) asked whether legal and administrative measures would be taken to ensure that persons with disabilities could become parents and adopt children. She would welcome the delegation's comments on reports that students with disabilities did not have the right to choose their profession and were segregated from children without disabilities. Although she congratulated the State party on the introduction of anti-discrimination legislation, she was concerned that the majority of persons with disabilities were unemployed or in low-income jobs and she asked whether the Government intended to devise and implement a strategic plan to increase the number of persons with disabilities in mainstream employment. She also wished to know what steps would be taken to ensure that persons with disabilities could participate effectively and fully in political and public life on an equal basis with others and to guarantee that they had the opportunity to develop and utilize their creative, artistic and intellectual potential, not only for their own benefit but also for the enrichment of society. Lastly, she asked whether efforts would be made to strengthen the legal status of the Office of the Ombudsman for Persons with Disabilities and provide additional support to organizations of persons with disabilities to ensure their participation in the implementation and monitoring of the Convention.

24. **Ms. Quan-Chang** asked whether steps had been taken to provide persons with disabilities with the same range, quality and standard of free or affordable health care and programmes as provided to other persons, including in the area of sexual and reproductive health. She also wished to know what efforts had been made to include persons with disabilities in poverty reduction strategies, particularly those living in remote and rural areas. Lastly, she asked whether the State party intended to collect data on violence of all kinds against persons with disabilities.

25. **Mr. Ruskus**, noting that only a very small percentage of students with disabilities attended university, asked what programmes would be introduced to improve access to higher education for persons with disabilities and facilitate their transition from secondary school to university.

26. **Mr. Kim** Hyung Shik asked whether the State party had an overall strategy for building an inclusive education system and, if so, whether it involved teachers, parents and organizations of persons with disabilities. He also requested further information on measures taken to address the high numbers of persons with disabilities who failed to complete their education. Lastly, he wished to know whether the Government intended to provide additional support to the Ministry of Social Policy and Youth Affairs in order to strengthen and raise awareness of its role as the focal point for the implementation of the Convention.

27. **Mr. Langvad** asked whether mainstream schools were required to enrol a certain number of children with disabilities and how parents of children with disabilities could legally enforce their wish for their child to attend a mainstream school. He also wished to know what steps had been taken to ensure that persons with disabilities enjoyed the same living standards as persons without disabilities, particularly in the case of war veterans with disabilities.

28. **Mr. Buntan** enquired about the legal status of the e-Croatia programme. He also wished to know whether notification of official or public meetings or events was provided in a timely fashion and in alternative formats for persons with disabilities. Concerning voting and political life, he asked whether measures had been introduced to promote and protect the right of persons with disabilities to vote and to stand for public office.

29. **Ms. Peláez Narváez** asked what efforts had been made to guarantee the right to privacy of persons with disabilities, particularly in institutional settings. She also wished to know what measures were in place to ensure that children with disabilities who had been abandoned by their parents had the option of being adopted. In view of the fact that

violence against persons with disabilities happened for the most part in the private sphere, she enquired whether the State party intended to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). With regard to education, she asked what steps had been taken to ensure access to education and training for children with disabilities in psychiatric hospitals. She also requested clarification as to the reasons for sterilizing persons with disabilities without their consent. Lastly, she wished to know how the State party guaranteed the right of children with disabilities to freedom of expression and opinion, particularly in respect of decisions that directly affected their lives.

30. **Mr. You** Liang asked whether the Government had established local focal points to support the implementation and monitoring of the Convention, in addition to the Ministry of Social Policy and Youth and the Office of the Ombudsman for Persons with Disability. He also wished to know what steps had been taken under the e-Croatia programme to recognize and develop the economic and social potential of persons with disabilities to enable them to join the workforce and contribute to national economic growth. Lastly, he requested information on the number of persons with disabilities working in the open labour market.

31. **Mr. Pyaneandee** said that, despite the fact that the Government had established the Office of the Ombudsman for Persons with Disabilities, it had not been able to provide the Committee with information on the number of complaints of discrimination against persons with disabilities that had been received or on how those complaints had been handled. He asked how it planned to address that problem.

32. **The Chairperson**, speaking in her personal capacity, asked whether the Government had formulated any special policy or action plan for raising public awareness about inclusive education and inclusion in the community for deaf-blind persons and persons who required support for communicating decisions.

The meeting was suspended at 11.50 a.m. and resumed at 12.10 p.m.

33. **Ms. Bogdanović** (Croatia) said that the bodies responsible for protecting and promoting the rights of children monitored the exercise of children's right to have their views taken into account in decisions affecting them before the authorities of the education, judicial and public administration systems. It also monitored their right to know about the circumstances of their particular case and to receive advice. Their opinions were taken into account according to their age and maturity, as stipulated in the Family Act. The right of children to express their own opinion was subject to an age limitation: children who were 14 or older could express their own opinions, but younger children had to rely on their parents to do so and the effect could be restrictive.

34. Croatian adoption legislation did not differentiate between children with disabilities and other children. The adoption of children from birth to 18 years of age was organized through a social welfare database, which was accessible to all social welfare centres and the Ministry of Social Policy and Youth. The Ministry monitored adoption practices and encouraged a policy of giving priority to persons who wished to adopt older children, siblings or children with disabilities. Unfortunately, potential adoptive parents usually wanted to adopt younger children without disabilities. If suitable adoptive parents were not found in Croatia, the social welfare centre sent a request for international cooperation in seeking adoptive parents abroad.

35. The Ministry of Social Policy and Youth also implemented a range of measures for the inclusion of children with disabilities in communities. It coordinated, monitored and supervised the decentralized provision of services to such children and implemented measures to promote children's deinstitutionalization, in keeping with international and national standards.

36. The Ministry of Social Policy and Youth was the focal point for implementing the National Strategy of Equalization of Opportunities for Persons with Disabilities 2007–2015 and for coordinating with national institutions. It had appointed a coordinator in each of the institutions, in each of the country's 20 counties and in the city of Zagreb. Monitoring the implementation of the strategy had proved somewhat inadequate and the strategy for the next period would comprise a smaller number of more specific measures with clearly defined indicators and measurable results.

37. **Ms. Gojčeta** (Croatia) said that all children, including children with disabilities, had the right to preschool, primary and secondary education. Reasonable accommodation for children with developmental difficulties was ensured by means of adapted school facilities, transport and teaching methods. Young people with disabilities were guaranteed the right to university education in accordance with their abilities, interests and needs, under the same conditions and on an equal basis with other young people.

38. The Croatian legislative framework for education prohibited discrimination on the basis of age, sex, ethnicity or disability and was based on the principle of inclusive education and an individualized approach to students with disabilities. Blind, deaf or deaf-blind children were included with other children in regular schools from the earliest age and were provided with support from communication professionals — of whom there were 30 in the Croatian education system — in the modality of their choice, including various forms of Croatian sign language, typing, tactile signing and the use of technical devices. The right of students with developmental and other difficulties to receive support from a teaching assistant or communication professional had been incorporated into the latest proposed amendments to the Law on Primary and Secondary Education. The Ministry of Science, Education and Sports had made the draft amendments available on its website and invited the general public to provide their suggestions. In the 2014/15 academic year, Croatia had obtained funds from the European Social Fund and from the general budget that were earmarked for the recruitment of 1,620 learning support teachers.

39. **Ms. Jakir** (Croatia) said that Croatia had a long-standing practice of including children with disabilities in regular education and there appeared to be a general acceptance of that arrangement throughout the country. Students with disabilities were fully included in the regular curriculum up to the fourth grade, with or without learning support and special adaptations. As they progressed up the educational ladder, students with disabilities took part in half of the regular curriculum alongside their peers and the other half in special working groups. Students with behavioural disorders, although included in regular classes, were taught in special groups that provided individual support. Parents could appeal against a decision by the authorities to send their child to an institution.

40. When it came to secondary education, there was much room for improvement in the Croatian education system: its programmes were obsolete and it needed to be more responsive to the job market. Students with disabilities were, however, an accepted part of the educational community. In preparation for university studies, they were offered reasonable accommodation, such as separate areas and additional time for taking examinations, special aids, adjusted examination materials and the possibility of being helped by a personal assistant. University scholarships and affordable student housing that had been adapted to their needs were available to students with disabilities. There were currently 474 students with sensory or physical impairments enrolled in university programmes in Croatia.

41. **Ms. Grbac** (Croatia) said that the attitude in Croatia towards ratification of the Marrakesh Treaty was generally positive. However, it was uncertain when ratification would take place.

42. **Mr. Sočanac** (Croatia) said that, in accordance with the Law on the Croatian Registry of Persons with Disabilities, data were published annually on the website of the Office for Human Rights in a format that was accessible to persons with visual impairments. More than 48,000 children aged up to 19 were included in the Registry. The Law dated from 2001 and there were plans to amend it, in order to take account of new sources of data and new technologies. There were 12,119 persons with disabilities in employment, which represented 5 per cent of the entire active population of Croatia. With the support of the Office of the Ombudsman for Persons with Disabilities, a special website had been set up, where self-employed persons with disabilities could advertise their products and services.

43. **Ms. Špoljarić** (Croatia) said that the most significant development in the employment of persons with disabilities was the introduction on 1 January 2015 of a statutory 3 per cent quota for persons with disabilities in public and private enterprises having at least 20 employees. The quota could be met either by employing a person with a disability or by offering a scholarship to a trainee or student with a disability or participating in a cooperative scheme with sheltered workshops or self-employed persons. Employers who failed to meet the quota were required to pay a monthly fine equivalent to 30 per cent of the minimum wage. The fines were deposited into a fund that was used to finance employment programmes for persons with disabilities or to provide subsidies to employers for reasonable accommodation, based on individualized plans for the employees in question.

44. **Ms. Zečirević** (Croatia) said that the Croatian Employment Institute had witnessed a steady increase in the number of persons with disabilities who had found work. That result was attributable to the positive coordination between the Institute and all the relevant stakeholders, including government ministries and non-governmental organizations (NGOs). The highest increase in that figure over the past 10 years had occurred in 2014. There had also been a steady increase in the funds available for labour market measures and guidelines had been developed for the implementation of such measures, including those relating to persons with disabilities.

45. **Ms. Skoko-Poljak** (Croatia) said that, regardless of her age, a woman whose life would be endangered by pregnancy or giving birth had the right to request to be sterilized.

46. **Ms. Šeler** (Croatia) said that persons residing in Croatia who did not subscribe to the compulsory health insurance scheme were not normally entitled to receive benefits from it. However, in cases of need, benefits could be made available as a form of social assistance until the person's circumstances changed. The primary health-care network in Croatia was well organized.

47. **Ms. Prpić** (Croatia) said that most of the members of her delegation had devoted their entire careers to the cause of persons with disabilities and were thus well aware that, despite the progress achieved in Croatia, there was still much work to be done. Persons with disabilities deserved equal opportunities and support, and a change in the old attitudes of paternalism, exclusion and underestimation of their abilities.

48. **Ms. Meić** (Office of the Ombudsman for Persons with Disabilities, Croatia) said that the provision of international cooperation could advance the Government's efforts to implement the Convention and that the Government might wish to consider sending a delegation to the next Conference of States Parties to the Convention in order to further those efforts.

49. **Ms. Degener** said that she commended the high level of the Croatian delegation, its open participation in the interactive dialogue and the excellence of its introductory statement. A number of key elements had been addressed and the Committee had received useful information. Nevertheless, there was still much work to be done. In particular, she still had concerns about the rights of persons with disabilities in Croatia to live

independently and to be included in the community, to exercise legal capacity, not to be subjected to forced medical treatment and to be protected from violence, as well as the right of organizations of persons with disabilities to participate in implementing and monitoring the Convention.

The meeting rose at 1 p.m.

United Nations CRPD/C/SR.180

Convention on the Rights of Persons with Disabilities

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Committee on the Rights of Persons with Disabilities
Thirteenth session

Summary record (partial)* of the 180th meeting
Held at the Palais Wilson, Geneva, on Tuesday, 31 March 2015, at 3 p.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Czech Republic

* No summary record was prepared for the rest of the meeting.

This record is subject to correction.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Czech Republic (CRPD/C/CZE/1; CRPD/C/CZE/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*

2. **Ms. Marksová** (Czech Republic), introducing her country's initial report (CRPD/C/CZE/1), said that, since ratifying the Convention in 2009, the Czech Republic had implemented a series of national plans concerning persons with disabilities, with the National Disability Council contributing actively to their preparation.

3. The four years since the submission of the initial report had seen various positive changes. The Civil Code, which had entered into force in 2014, eliminated the possibility of totally depriving a person of legal capacity and prescribed support for adults with limited legal capacity. A bill amending the School Act, which was awaiting approval by the President, would ensure the necessary human, financial and material resources for providing inclusive education in mainstream schools and would enhance the counselling and other services provided to students and their families. Progress had also been made in the accessibility of public buildings, transport, cultural facilities, and libraries and other information services. The quality of social services had also been enhanced, with more emphasis on protecting users' rights.

4. There were still a number of major issues needing attention. Despite many measures to promote the employment of persons with disabilities, their unemployment rate remained disproportionately high. Her Government intended to review the system of employment support to such persons, including the impact of associated systems such as taxation and social services.

5. Psychiatric care remained highly centralized and institutionalized, and public awareness of mental health issues was inadequate. In 2013, her Government had begun steps to overhaul the system in order to emphasize community-based and semi-mural care, expand the role of primary care and general hospitals, modernize psychiatric hospitals, educate professionals working in that field and improve the quality of care. The Ministry of Health was leading the reform in consultation with government officials, doctors, health insurance companies, patient organizations and NGOs.

6. While ratification of the Optional Protocol to the Convention had been postponed because of issues raised during the interdepartmental comment procedure, her Government would continue to work towards that goal.

7. The National Plan on Promoting Equal Opportunities for Persons with Disabilities for the period 2015–2020 took into account the areas needing attention and was expected to be approved by the Government in the coming weeks.

8. The Ombudsman's Office would henceforth act as the independent mechanism for monitoring implementation of the Convention. To that end, the Ombudsman would establish an advisory board composed of persons with disabilities and those defending their interests. An amendment to establish the monitoring mechanism was currently before Parliament.

9. **Mr. Tatić** (Country Rapporteur) said that the State party had made noteworthy progress in implementing the Convention. For example, it had incorporated the prohibition on direct and indirect discrimination against persons with disabilities in its general anti-discrimination legislation, stated in its Building Code that the removal of barriers was in the

public interest, amended its Civil Code to provide for supported decision-making in some cases, and recognized sign language as an official language.

10. He welcomed the delegation's candidness about issues requiring attention, some of which were also outlined in the report and the replies to the list of issues. For example, the fact that denial of reasonable accommodation constituted discrimination needed to be explicitly stated in national legislation. The amended Civil Code still allowed some persons with disabilities to be placed under partial guardianship, which contravened article 12 of the Convention. Many adults and children with disabilities remained in institutions, including psychiatric hospitals. Some of the government and outside funding now invested in institutions could be transferred to support services to enable people with disabilities to live in their local communities. Amendments to the School Act would be welcome, as the report indicated that many children with disabilities remained outside the regular school system. Persons with disabilities could still, in some cases, be denied the right to vote.

11. He welcomed the proposal to appoint the Ombudsman's Office as the independent monitoring mechanism for the Convention and hoped that the Committee's concluding observations would provide the impetus to move the process forward.

Articles 1–10

12. **Ms. Kingston** asked to what extent persons with disabilities were involved in the development, implementation and evaluation of policies affecting them and whether policymakers ensured that people thus involved represented the diversity of persons with disabilities in the Czech Republic and included, for example, representative numbers of persons from rural areas and members of ethnic minorities.

13. The lack of jurisprudence regarding complaints of discrimination on the basis of disability might mean that persons with disabilities had difficulty bringing such cases. In that connection, she enquired what steps were being taken to enhance the capacity of persons with disabilities to bring complaints of discrimination to court and whether members of the judiciary were required to undergo training in the provisions of the Convention. She noted that there was no definition of "reasonable accommodation" in the State party's legislation and that denial thereof was not considered a crime. Lastly, she asked why the employment rate for women with disabilities was lower than that for men with disabilities and how the State party intended to address the disparity.

14. **Ms. Quan-Chang**, noting that laws in the Czech Republic did not all define "disability" in the same way, asked whether the State party intended to align the definitions in its legislation with the Convention. In particular, some laws reflected a purely medical approach to disability. She enquired how the State party intended to tackle the large disparities between the situations of women and men with disabilities in areas such as education, employment and income.

15. **Mr. Langvad** asked how the State party monitored compliance with accessibility laws and what was done when a service such as the Internet was not sufficiently accessible to people with disabilities. He wondered how the State party was tackling the issue of multiple discrimination. Lastly, he wished to know how the State party intended to expand its support to organizations representing persons with disabilities to enable them to participate more effectively in policymaking affecting such persons.

16. **Ms. Degener** asked why the requirements with respect to reasonable accommodation applied only in employment situations and what sanctions were imposed when such accommodation was not provided. She enquired whether Czech law treated the segregation of people with disabilities in educational, work or residential living settings as discrimination.

17. She asked whether there was a policy for deinstitutionalizing children with disabilities. Noting that corporal punishment was prohibited in school and detention facilities but apparently not in the home or in various day-care settings, she enquired whether the State party would consider banning the practice outright.

18. **Mr. Buntan**, commending the State party on its progress in implementing the Convention, asked whether the National Disability Council and other organizations representing persons with disabilities played only an advisory role on the Government Board for People with Disabilities. If that was the case, were there plans to grant them equal status with the other sectors represented on the Board?

19. Regarding accessibility, he wondered whether the Act on Free Access to Information was merely a guideline or whether its provisions could be enforced.

20. **Mr. Kim** Hyung Shik asked how the State party's distinction among different degrees of disability fit with the social and rights-based approach to disability espoused in the Convention, how a person's degree of disability was determined and whether the system prevented persons with disabilities from freely choosing areas in which to work. Lastly, he wished to know what efforts were made to instil awareness of and respect for human rights in the population.

21. **Mr. Lovászy** enquired whether a law or decree guaranteed the parents of deaf children access to training in sign language.

22. **Ms. Peláez Narváez** asked what steps the State party took to ensure that the Convention, which prevailed over national law, was the main text cited in cases involving the rights of persons with disabilities.

23. She requested information about the impact of domestic and sexual violence on women with disabilities, as well as statistics on women with disabilities who had died as a result of such violence and on women who had been disabled by such violence, including complaints filed and data on prosecutions, convictions, compensation and reparation. She asked for clarification as to whether the definition of the crime of rape included situations in which the victim had not actively resisted the attacker.

24. Turning to issues affecting children with disabilities, she asked whether the State party had abandoned the use of "baby boxes" for unwanted infants, as it had been encouraged to do by the Committee on the Rights of the Child in its concluding observations on the State party's combined third and fourth periodic reports to that body (CRC/C/CZE/CO/3-4) in 2011. She enquired whether schools could still reject applications from children with disabilities on the grounds that they could not accommodate the child, and whether parents who sent their children with disabilities to regular schools had to reimburse the school for special costs incurred in the process. Given that most children with disabilities lived in institutions because their parents could not assume the cost of caring for them, what was the State party doing to enable such children to remain at home? What measures were being taken to move from a medical approach to children's disabilities towards a rights-based one?

25. **Mr. Ruskus** said that the State party's legislation did not seem to differentiate clearly between the concepts of "impairment" and "disability" and that, in some laws, the term "invalidity", along with other discriminatory language, was still used. He asked what measures were being taken to ensure that a rights-based approach to the issue of disability was used in all legislation.

26. **Mr. Tatić**, noting with surprise that no court cases had been brought in relation to disability-based discrimination, asked whether any capacity-building efforts had been made by the competent ministries or other bodies to support persons with disabilities and their representative organizations in doing so. He invited the delegation to comment on plans for

the deinstitutionalization of children with disabilities and the provision of support to their families. Lastly, he requested information on the lack of legal proceedings against architects or engineers in relation to failure to comply with accessibility standards.

27. **The Chairperson**, speaking in her personal capacity, asked the delegation to comment on the impact of the national integration strategy for the Roma people on Roma persons with disabilities, given that the strategy did not contain specific objectives in relation to that group.

The meeting was suspended at 3.55 p.m. and resumed at 4.20 p.m.

28. **Ms. Habrnálová** (Czech Republic) said that, under article 185 of the Criminal Code, the crime of rape, which was defined as using violence to force a person to have sexual intercourse or exploiting a person's vulnerability to have intercourse, was punishable by imprisonment for a term of between 6 months and 5 years. There was no requirement for victims to have actively defended themselves. It was considered an aggravating circumstance if a rape was committed against a person with a disability.

29. **Mr. Černikovský** (Czech Republic) said that, under the Constitution, free primary and secondary education in public schools was guaranteed for all children. No child could be refused an education on the grounds of disability. That provision applied in particular to the nine years of compulsory primary and lower-secondary education. There had been a lengthy debate in the country about how best to educate children with disabilities. Traditionally, those children had been educated in special schools or special classes, but in recent years significant progress had been made in including children with disabilities in mainstream schools. His Government had amended legislation on education in order to ensure that adequate support was provided to help children with disabilities on their educational path, preferably in mainstream schools.

30. **Ms. Mičicová** (Czech Republic) said that, to secure the participation of persons with disabilities in policymaking, the Secretariat of the Government Board for People with Disabilities circulated draft legislation to organizations represented on the Board and to other umbrella organizations with nationwide scope. The Board had a coordinating role and advised the Government on issues related to support for persons with disabilities. The National Disability Council was the main advisory body to the Board. The Council's chair and vice-chairs were members of the Board, which meant that they could make proposals and vote on matters being discussed. Civil society was thus directly involved in coordinating policy for persons with disabilities.

31. **Mr. Čulík** (Czech Republic) said that, prior to 2014, total deprivation of legal capacity, entailing loss of the right to vote, had indeed been possible. However, under the new Civil Code, only limitation of legal capacity was permitted, as a measure of last resort. As part of the assessment process for deciding on the scope of such limitation, the courts also considered whether the person concerned should have the right to vote. Any decision to remove that right must be substantiated. Although the process was new, it was expected that most persons with disabilities whose legal capacity was limited would retain the right to vote.

32. **Ms. Marksová** (Czech Republic) said that the use of "baby boxes" had been inspired by neighbouring countries Austria and Germany. The boxes had been introduced in order to prevent the deaths of babies, either as a result of abandonment or directly at the hands of their mothers. In the 9 or 10 years since the boxes had been introduced, 119 babies had been saved. The baby box system was privately run. In some cases, social services located the baby's biological parents, who, with adequate support, were sometimes able to take the baby back. However, in most cases, the babies were adopted.

33. **Mr. Čulík** (Czech Republic) said that the question of terminology was very complex. Sometimes misunderstandings arose owing to translation problems. It was true that, in the past, the Czech term *invalida* had been used to refer to all persons with disabilities. However, that word had since become a pejorative term and had been replaced in official usage by the equivalent of "disabled person" or "person with a disability". The word *invalida* continued to be used only in the pension insurance system. Different definitions of "disability" had been used in a variety of instruments because different sectors — social services, education, transport and health care, for example — dealt with different aspects of disability. The definition that was closest to article 1 of the Convention and took account of all aspects of disability was contained in the anti-discrimination law. Efforts had been made in recent years to produce a standardized definition of "disability". In any case, all of the definitions used in the different systems were based on the International Classification of Functioning, Disability and Health and were consistent with the social model of disability.

34. **Ms. Grabmüllerová** (Czech Republic) said that the provisions of the Building Code and other relevant legislation were legally binding on all those involved in the construction process. Only members of the chamber of architects and the chamber of civil engineers were authorized to design buildings, and both chambers were obliged to take disciplinary proceedings against any member who violated legislation related to construction, including accessibility requirements. To date, no complaints of violations of accessibility standards had been received.

35. **Ms. Příhonská** (Czech Republic) said that, while the number of children with disabilities cared for in institutions was declining every year, the rate of deinstitutionalization was not as rapid as could be wished, for a number of reasons. The priority, wherever possible, was to return children to their own families. However, it took time for social workers to prepare families for the return of a child. The relevant authorities were being provided with additional financial and human resources to support that work. Another option was to reduce institutionalization by finding foster or adoptive families for children who were unable to return to their own families. If parents wished their child to remain in an institution, the focus was on finding the best placement in terms of the child's development. A range of allowances and subsidies was available to help families care for children with disabilities at home. Such allowances were not paid in respect of children with disabilities under a year old because they were considered to have much the same requirements as children of the same age without disabilities.

36. **Ms. Mičicová** (Czech Republic) said that the measures contained in the National Plan on Promoting Equal Opportunities for Persons with Disabilities for the period 2015–2020 were also aimed at the Roma; no distinction was made in the Plan between Roma people and others. It was true that the health of Roma people was worse in socially excluded communities owing to a lack of information and prevention and to lifestyle factors. The Roma Integration Strategy contained specific measures to deal with the causes of poorer health among the Roma.

37. **Mr. Čulík** (Czech Republic) said that a medical expert service was responsible for assessing degrees of disability for the purpose of disability pension insurance. Assessments took into account not only the medical condition of the person being assessed but also the level of functional adaptation to the disability and the impact of the disability on the person's ability to find a suitable job. When the assessment was completed, a recommendation was made concerning the scope of the work that the person was able to do.

38. **Ms. Zajarošová** (Czech Republic) said her Government believed that, if the protection of children was to be comprehensive and effective, it was not sufficient to prohibit corporal punishment, as children must be protected against mental punishment too. Corporal punishment was prohibited by law in institutions and in preschool, primary,

secondary and tertiary education. Sanctions for the corporal punishment of children were provided for in criminal legislation. Corporal punishment was also prohibited in the family under the Civil Code and the Family Act. The Family Act provided that parents and persons in loco parentis had the right to use "appropriate means of education" that did not affect the child's dignity or jeopardize his or her health or physical, emotional, intellectual or ethical development in any way. The words "appropriate means of education" thus could not be interpreted as allowing corporal punishment. The national strategy on the prevention of violence against children covered corporal punishment as defined by the Committee on the Rights of the Child. There were also campaigns to prevent violence against children.

39. **Mr. Černikovský** (Czech Republic) said that there were high-quality schools for deaf and hard-of-hearing children at the preschool, primary and secondary levels and that work was ongoing to include such students in mainstream classes. With the exception of a number of courses run by NGOs, no sign language classes were available for children or their parents outside schools.

40. **Ms. Soukupová** (Czech Republic) said that national legislation made specific provision for victims of crime who were members of vulnerable groups, including persons with disabilities. Those persons had access to free counselling and legal advice.

41. **Mr. Čulík** (Czech Republic) said that, under national legislation, all public authorities had a duty to post public information online in such a way that it was accessible to persons with disabilities. The Ministry of the Interior had set up a special working group to establish guidelines on web accessibility. There were currently no web accessibility standards. However, work was under way to draw up guidelines on the provision of information in easy-to-read formats, and instructions relating to that issue had been included in the National Plan on Promoting Equal Opportunities for Persons with Disabilities for the period 2015–2020.

42. **Ms. Soukupová** (Czech Republic) said that it was hard to change public attitudes towards persons with disabilities. There were plans to raise awareness of the Convention by providing training for judicial and administrative officials and teaching staff and to produce Braille and easy-to-read versions of key documents. Her Government also wished to improve cooperation with organizations of persons with disabilities and would set up a working group for that purpose, composed of representatives of national, regional and local authorities, NGOs and academia.

Articles 11–20

43. **Ms. Kingston** requested additional information on the steps taken to ensure the safety and protection of persons with disabilities in emergency situations and natural disasters and to include persons with disabilities, especially deaf persons, in national emergency protocols.

44. She asked whether judicial officials had been provided with training on the new Civil Code, under which plenary guardianship had been abolished, and how many plenary guardianship cases had been reviewed. She enquired what progress had been made with respect to supported decision-making arrangements and whether the provisions of the new Civil Code sufficed in that regard or whether there was a need for a new act on the recognition of support and guardianship and of family members as supporters.

45. She requested further information on the widespread use of chemical and physical restraint in psychiatric institutions and invited the State party to explain what it intended to do to prohibit such practices.

46. She asked what support mechanisms were available for persons with psychosocial or intellectual disabilities wishing to live independently and be included in the community.

Lastly, she noted that there was no overarching national plan for residential institutions for persons with intellectual or psychosocial disabilities and that there was a lack of community-based services for persons with autism.

47. **Ms. Quan-Chang** asked whether any safeguards or supervisory mechanisms had been put in place to prevent guardians from mistreating persons with disabilities in their charge or misappropriating their assets.

48. The use in institutions in the State party of beds designed to restrict the movement of persons with disabilities was a breach of the Convention and could be considered to constitute torture. In that connection, she asked whether there were any independent supervisory mechanisms in place for the protection of persons with disabilities against torture and cruel, inhuman or degrading treatment. She noted with concern that the practice of placing persons with psychosocial or intellectual disabilities in residential institutions on the basis of a psychiatric assessment appeared to be widespread.

49. She asked whether records were kept of instances of violence, exploitation or abuse targeting persons with disabilities, particularly women and children, or of cases of trafficking of persons with disabilities. Lastly, she enquired how the State party intended to halt the forced sterilization of persons with disabilities.

50. **Mr. Ruskus** asked why the State party continued to invest in residential institutions rather than in community-based care for persons with disabilities.

51. **Mr. Langvad**, noting that persons with disabilities were sometimes subjected to corporal punishment because of behavioural issues, asked whether the State party had taken steps to educate relatives and others close to persons with disabilities in that regard with a view to halting the use of such punishment.

52. The delegation should describe the State party's vision of inclusion in the community, particularly in relation to persons with disabilities who required the assistance of others. He wished to know how the State party ensured that those persons were able to choose where and with whom they wished to live, while receiving the necessary support. He would appreciate information on investment in housing for persons with disabilities and on any checks carried out to ensure that the funds in question were not used to maintain existing residential facilities.

53. Reverting to article 9, he said that it was still not clear to him how compliance with accessibility standards was monitored or enforced. Was a mechanism in place to receive complaints in that regard?

54. **Mr. Tatić** said, with regard to accessibility, that the delegation should also explain whether, in practice, access to buildings and other facilities open to the public was facilitated for deaf or blind persons through the provision of sign language interpretation services or the use of Braille signage, respectively.

55. He asked what the outcome of the study on the accessibility of the courts and other judicial premises had been. During court proceedings, did deaf persons have access to sign language interpretation, and were blind persons provided with documents in Braille or in accessible electronic format?

56. Concerning article 19, he enquired whether financial assistance was given directly to carers or was paid to persons with disabilities themselves, and to what extent the preferences of those persons regarding their living arrangements were taken into account.

57. **Mr. Buntan**, noting that the Sendai Framework for Disaster Risk Reduction for the period 2015–2030 included persons with disabilities as rights holders and contributors to disaster risk reduction work, asked whether the State party planned to adopt inclusive

disaster risk reduction and response protocols, particularly given the commitment of the European Union in that area.

58. He wished to know whether the State party intended to eliminate the guardianship system and adopt supported decision-making as an alternative to the substitute decision-making regime. Lastly, he enquired what was being done to increase the number of legal professionals with disabilities and whether reasonable accommodation was provided in the courts to encourage persons with disabilities to take legal action against perpetrators of discriminatory acts.

59. **Ms. Peláez Narváez** asked when the State party intended to completely eliminate the widespread practice of punishing persons with disabilities by confining them to cage beds, sometimes for weeks on end. That practice had been the cause of numerous deaths, and the institutions responsible acted with impunity. She wished to know how the State party protected the right to a life free of violence of persons with disabilities, particularly women and children, placed in institutions. In that connection, she enquired whether the State party intended to amend the definition of torture and other cruel, inhuman or degrading treatment contained in article 149 of the Penal Code to take into account the situation of persons who had been institutionalized and to recognize their legal personality.

60. She asked what the outcome of the National Strategy to Combat Trafficking in Human Beings in the Czech Republic for the period 2012–2015 had been, notably with regard to the trafficking of persons with disabilities for the purposes of sexual exploitation, forced labour, begging and the removal of organs and tissues, and what specific steps had been taken under the Strategy to protect such persons.

61. She had not yet received a reply to her question on the number of women with disabilities who had died as a result of gender-based violence and the number of complaints, prosecutions, convictions and compensation payments relating to such violence. Did the lack of a reply mean that the State party did not have any such data?

62. **Ms. Degener** said that it would be helpful to have additional information on the Ministry of Justice working group that was attempting to harmonize the legislation on deprivation of liberty and bring it into line with the Convention. She asked whether the State party intended to repeal the legislation allowing for the involuntary placement in institutions and forced treatment of persons with disabilities.

63. **Mr. Kim** Hyung Shik said that the deinstitutionalization process would succeed only if persons with disabilities leaving institutions were provided with employment that enabled them to be included in the wider community and support themselves financially.

64. **The Chairperson**, speaking in her personal capacity, asked whether persons who had been deemed to constitute a danger to themselves or to others could be placed in an institution in consequence. She enquired whether security or treatment measures were immediately applied to persons with psychosocial or intellectual disabilities who were brought to trial and whether reasonable accommodation was made for detainees with disabilities in the State party.

65. She asked what steps the State party had taken in the light of the recommendations made by the Human Rights Committee in its concluding observations on the State party's third periodic report to that body (CCPR/C/CZE/CO/3). The recommendations had concerned violence against women, forced sterilization, failure to pay compensation to women who had been forcibly sterilized, criminal proceedings against possible perpetrators of forced sterilization, the involuntary placement of persons in institutions, and the prohibition of the use of chemical and physical restraints on persons with disabilities.

The discussion covered in the summary record ended at 5.50 p.m.

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Summary record of the 181st meeting
Held at the Palais Wilson, Geneva, on Wednesday, 1 April 2015, at 10 a.m.

Chairperson: Ms. Cisternas Reyes

Contents

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Czech Republic (continued)

This record is subject to correction.

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The meeting was called to order at 10.05 a.m.

Consideration of reports submitted by States parties under article 35 of the Convention (*continued*)

Initial report of the Czech Republic (continued) (CRPD/C/CZE/1; CRPD/C/CZE/Q/1 and Add.1)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*

Articles 11–20

2. **Ms. Soukupová** (Czech Republic) said that the Ministry of the Interior, the police force, and the fire and rescue service were responsible for coordinating the national response to situations of risk and humanitarian emergencies. They had full access to a disability register containing the names, locations and requirements of persons with disabilities and had received specific training in the measures required to ensure the protection and safety of such persons in an emergency, particularly persons with hearing or visual impairments.

3. **Ms. Brzková** (Czech Republic) said that the use of restraints in the health service was strictly regulated and was monitored by an independent mechanism. Restraints such as straps, belts and net beds could be used to avert a threat to the life, health or safety of the patient or other persons, but their use was restricted to the severest cases. The use of cage beds had been phased out following the entry into force of the amended Health Services Act in 2012.

4. **Ms. Příhonská** (Czech Republic) said that the amended Social Services Act strictly regulated the use of restraints and prohibited the use of cage and net beds in any social service institution. Furthermore, the Government intended to introduce additional safeguards to prevent any abuse of or overreliance on psychotropic medicines, particularly for persons with psychosocial disabilities in residential care.

5. **Ms. Habrnálová** (Czech Republic) said that the new Civil Code of 2014 granted the courts responsibility for determining the legal capacity of persons with disabilities and for appointing guardians, where appropriate. Legal incapacity orders were only valid for three years and must be reviewed at regular intervals. The courts strictly regulated and monitored the responsibilities and duties of legal guardians and provided strong safeguards against any form of abuse or violation of guardianship arrangements. Three different forms of guardianship were currently available: a preliminary declaration of incapacity, decision-making assistance and third-party representation by a family member. Training in the provisions of the new Civil Code had been provided to judges and magistrates and a dedicated website set up for their reference. The Government recognized that further efforts were needed to strengthen the guardianship regulations, and it intended to finalize and adopt new guardianship legislation in the near future.

6. **Ms. Soukupová** (Czech Republic) said that there were around 36,500 persons with disabilities with limited or reduced legal capacity and 36,000 guardians in the Czech Republic.

7. **Ms. Zajarošová** (Czech Republic) said that no statistics were available on the number of cases of human trafficking involving persons with disabilities or the number of cases of domestic violence committed against them. However, the Government worked closely with NGOs to provide support to victims of violent crimes and trafficking, and specific protection measures had been introduced, including removal orders for perpetrators

of domestic violence and temporary care orders for child victims as well as a human trafficking strategy.

8. **Ms. Habrnálová** (Czech Republic) confirmed that the definition of the offence of torture and other cruel, inhuman and degrading treatment in article 149 of the Criminal Code failed to take into account the specific situation of people with disabilities in institutions and did not provide for the criminal liability of legal persons, such as institutions. However, the Government intended to amend the definition of torture and ill-treatment in the article to bring it into line with the provisions of the Convention. In the meantime, victims of torture or ill-treatment in institutions could submit claims for compensation under the Civil Code.

9. **Ms. Brzková** (Czech Republic) said that efforts were under way to strengthen the psychiatric care system and improve the quality of life of persons with psychosocial disabilities. Community-based mental health centres would soon be established across the country, and additional emergency psychiatric care units would be set up within the general hospital system. Guidelines would be provided to psychiatrists and mental health nurses, and public awareness-raising campaigns would be launched to destigmatize mental illness. As to involuntary confinement, patients without legal capacity could only be treated or hospitalized without their consent under specific conditions and with the express approval of a court. In such cases, health service providers must provide regular status reports to the patient's legal guardian and the courts.

10. **Ms. Habrnálová** (Czech Republic) said that new legal provisions had been introduced to govern the placement of persons with disabilities in institutions. The courts must approve the placement within 48 hours, and their decision must be reviewed within one year. The Ministry of Justice had issued a set of guidelines for courts, lawyers and psychiatric institutions on the management of cases of involuntary confinement as well as a leaflet informing patients of their rights.

11. **Ms. Příhonská** (Czech Republic) said that steps had been taken to promote supported decision-making and provide community-based care for persons with psychosocial or intellectual disabilities. Those efforts had, however, not yet been extended to older persons living in institutions, given the strong prevailing cultural tradition of caring for older persons in specialized residential homes.

12. The new Social Services Act provided for additional services and support for persons with disabilities and an expanded nationwide network of community-based social services, including for persons with autism and those with psychosocial disabilities. A new social housing programme would shortly be introduced to enable more persons with disabilities to live independently in the community. The deinstitutionalization of persons with disabilities would require a paradigm shift in the public mindset. The Government remained committed to that goal, and the latest figures showed that the number of persons with disabilities in institutions had decreased by 11 per cent since 2011.

13. **Ms. Mičicová** (Czech Republic) said that an expert working group to consider autism issues comprising representatives of organizations of persons with disabilities, relevant ministries and other government bodies had been established under the Government Committee for Persons with Disabilities in 2014. Its role involved strengthening cooperation between ministries and addressing the difficulties facing persons with autism, such as the lack of suitable community-based social services.

14. **Ms. Brzková** (Czech Republic) said that several safeguards had been put in place to prevent forced sterilization. Sterilizations could only proceed once the patient had reached the age of 18 and had given informed consent. Patients without legal capacity and minors could be sterilized only upon receipt of the written consent of their legal representative, the

approval of an expert commission and the approval of the courts. Sterilizations could not be performed in prisons.

15. The expert commission, whose purpose was to assess whether all the conditions for the sterilization had been met, was appointed by the provider, which was usually a hospital. The patient and his or her legal representative participated in the commission's meeting, the record of which became part of the patient's medical record. The commission produced an expert opinion, which the provider forwarded to the patient's legal representative, subsequently filing the proposal to consent to sterilization with the court. If, owing to a lack of intellectual capacity, the patient was unable to make observations, the provider indicated that fact with the reasons for it in the proposal. An average of 600 to 700 sterilizations for health or other reasons were carried out in the country each year. The Ministry of Human Rights was currently studying the legal issues surrounding the provision of financial compensation to persons who had been subjected to forced sterilization.

16. Castration was also regulated by law and could be performed only on patients who were 25 years or older, had committed a violent sexual offence and were deemed likely to commit such an offence again in the future. Other patients could be castrated only at their written request and with the expert commission's approval. Patients in protective treatment in a psychiatric hospital could be castrated only in prescribed and substantiated cases, at their written request, with the expert commission's approval and at the order of a court. The commission provided the patient with information on the nature of the operation and verified that he had understood it and had submitted his application voluntarily. The surgery could not be performed at a prison's medical facility, nor could it be practiced on patients deprived of legal capacity. There were approximately 20 cases of castration per year in the Czech Republic.

17. **Ms. Příhonská** (Czech Republic) said that a care allowance, whose amount was calculated on the basis of four categories of disability, was paid directly to persons with disabilities. In 2014, some 321,000 persons with disabilities had received allowances totalling approximately 19.5 billion koruny, which represented a 6 per cent increase in relation to the previous year.

18. **Ms. Habrnálová** (Czech Republic) said that prisons and other places of detention provided special treatment, activities and programmes for persons with disabilities. In addition, they met high standards of physical accessibility, and prison staff received appropriate training. A recently published report by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment had not included any recommendations for improving the treatment of prisoners with disabilities in her country's prisons.

19. With regard to access to courts and judicial proceedings, the Code of Civil Procedure stipulated that courts were required to appoint an interpreter for participants in the proceedings with whom communication was not possible except by means of a communication system for hearing-impaired and blind-deaf persons. Moreover, Act No. 155/1998 provided that the services of such interpreters were free of charge. No complaints had been registered for failure to comply with those provisions. The results of a study conducted in 2010 showed that all courts in the Czech Republic were accessible to persons with disabilities. An annual budget of 10 million koruny had been allocated to improving the accessibility of the courts. Courts located in historic buildings could not always be fully adapted, and some adaptations required prior approval from the historical conservation authorities.

20. Replying to a question asked at the previous meeting, she said that very few complaints of discrimination had been lodged, whether by persons with disabilities or others, because the tendency in the Czech Republic was to bring charges under the Civil

Code or settle out of court. Very few cases had been brought under the Anti-Discrimination Act: four in 2012, nine in 2013 and six in 2014. No statistics were available on the number of discrimination cases concerning persons with disabilities.

21. **Mr. Čulík** (Czech Republic) said that the low number of complaints brought for discrimination could not be attributed to a lack of services to defend people's rights. The Office of the Ombudsman, the anti-discrimination organ of the Czech Republic, received complaints and provided comprehensive advice to persons with disabilities concerning the exercise of their rights. In addition, grants and subsidies were provided to institutions that helped persons, including those with disabilities, to defend their right to non-discrimination before the courts. In the last few years, campaigns had been organized to raise awareness of the options available to persons with disabilities for legally asserting their rights.

22. **Ms. Grabmüllerová** (Czech Republic), replying to a question asked at the previous meeting, said that a number of government subsidy programmes had been set up with the aim of removing barriers in public buildings, and that the Government had issued construction guidelines for barrier-free buildings. At least 10 per cent of the units in any new subsidized residential building with 10 or more units had to meet requirements for barrier-free accommodation. Other subsidy programmes were designed to improve the accessibility of public spaces, such as tourist attractions, as well as related information, for persons with disabilities.

23. **Ms. Savin** (Czech Republic) said that the Ministry of Transport continued to make progress in ensuring the right to equal opportunity for persons with disabilities, in particular through the introduction of advanced technologies for persons with reduced mobility and/or orientation. An action plan to develop an intelligent transport system had been drafted; it would give effect to the new national transport policy and to the related European Union directive. Each mode of public transport in the Czech Republic was subject to the requirements of the corresponding European Union legislation, all of which made provision for persons with reduced mobility and/or orientation. The main source of information on wheelchair transport for persons with reduced mobility was to be found in the public transport timetables, which were available in a version accessible to blind persons and persons with other vision impairments.

Articles 21–33

24. **Ms. Kingston** asked whether the use of straitjackets, mechanical restraints and other physical restraints was considered acceptable in the Czech Republic. She wished to know whether, when women were informed about the risks of sterilization, the issues mentioned included the increased risk of sexual abuse without consequences. She asked what kind of support was given to the parents of children with autism so that the latter could be fully included in their communities, and whether the Government planned to introduce new legislation to ensure accessible and inclusive health care for persons with disabilities.

25. On the subject of access to information, she asked why sign-language interpretation was provided on public television for only 10 minutes a day and why free sign-language courses were not available to all deaf children. Regarding the right to work and employment, she asked why persons with disabilities who were employed had lower wages and pensions than other persons in the Czech Republic. She requested further information on the measures taken to collect disaggregated data and statistics concerning persons with disabilities and on how that information was disseminated. Was it accessible to persons with disabilities, and were the latter ensured full participation in the process of data collection and research?

26. In terms of international cooperation, she wished to know to what extent the Government was committed to the inclusion of persons with disabilities and to the post-

2015 development agenda. With regard to implementation and monitoring, she asked whether the Government intended to make the Office of the Ombudsman the national monitoring mechanism for the Convention, and when the legislative process to confirm that arrangement was expected to be completed.

27. **Ms. Quan-Chang** asked how the State supported persons with disabilities who lived in poverty because they were unemployed, and how much of the 19.5 billion koruny allocated to support for persons with disabilities was transferred directly to such persons, many of whom needed subsidies in order to acquire assistive devices. She requested more information on persons with disabilities who belonged to ethnic minorities, especially the Roma.

28. She was concerned that persons with disabilities in the Czech Republic were still being subjected to guardianship regimes, which prevented them from exercising their civil and political rights, in particular voting rights. What plans did the State party have to annul partial guardianships and to make polling stations and voting information more accessible to persons with disabilities?

29. **Ms. Degener** said that she would welcome further information on measures taken to increase the inclusion of children with disabilities in the education system and on whether the State party defined segregated education as a form of discrimination under articles 5 and 24 of the Convention. How much did the State party spend on making mainstream schools accessible and on personal assistance services for children with disabilities? Did education legislation give children the right to inclusive education?

30. **Mr. Basharu** asked to what extent the media were involved in the State party's awareness-raising campaign about the Convention and disability issues in general. He enquired whether the Government encouraged all media outlets, including providers of information through the Internet, to portray persons with disabilities in a dignified manner that was consistent with the Convention, and to make their services available to such persons. He wished to know what percentage of television information and news programming provided sign-language interpretation for deaf persons and persons with other disabilities in order to allow them to participate fully and effectively in political and public life.

31. **Ms. Peláez Narváez** asked why article 673 of the Civil Code explicitly permitted the restriction of the legal capacity of persons with disabilities with regard to the right to marry. How did the Government consider that provision to be consistent with article 23 of the Convention? She asked how the statement in paragraph 279 of the State party's report, to the effect that disability did not constitute a fact preventing persons with disabilities from engaging in the adoption, foster care or guardianship of a child, was consistent with the Act on Social and Legal Protection of Children, which required an assessment of both the applicant's and the child's state of health. She wondered why persons whose disability was recognized as being of the third degree were not allowed to register with the State employment office, and how such a rule was consistent with article 27 of the Convention.

32. **Mr. Buntan** asked whether the State party planned to legally recognize Braille and sign language to ensure the availability of augmentative and alternative formats, modes and means of communication that were accessible to persons with disabilities. He asked how the State party regarded inclusive education as being different from mainstreaming or integrated education and how it ensured the provision of services to persons with disabilities in keeping with article 24 of the Convention. He would welcome additional information on the endeavours of the State party to promote the participation of persons with disabilities in political and public life, and on the mandate of the ministry that had been chosen as the disability focal point and how it coordinated its activities with those of the other ministries.

33. **Mr. Ruskus** said that, since the system of vocational training and rehabilitation for children with disabilities in the Czech Republic was very specialized and non-inclusive and employment was highly sheltered, children and young people with disabilities were obliged to follow a segregated professional career. What measures did the Government envisage implementing to promote inclusive vocational training and the employment of persons with disabilities in a supported and open labour market?

34. **Mr. Tatić** (Country Rapporteur) asked whether Act No. 231/2001 on the operation of radio and television broadcasting had been amended. He asked what information on health care was made available in accessible formats to deaf persons and persons with intellectual and psychosocial disabilities. Were health-care professionals offered training on the human rights of persons with disabilities? He wished to hear the delegation's views on reports that benefits provided to persons with disabilities had been revised downward, and on the possible adverse and retrogressive effects of those revisions on the rights and living standard of people with disabilities, particularly children. He would appreciate clarification of reports that certain disability pension beneficiaries were at risk of being denied access to a retirement pension. What was being done to enable those persons to receive their pensions?

35. **Mr. Kim** Hyung Shik enquired about the impact of the State party's occupational therapy programmes and wondered whether there was any connection between those programmes and the approximately 200,000 persons with disabilities who could not register as jobseekers. He asked how the quota system for employment of persons with disabilities was enforced, whether the system led to difficulties between persons with disabilities and employers, and whether the authorities planned to lessen their reliance on sheltered workshops. He would welcome information on any measures taken to promote access to the open labour market, evidence of which had not appeared in the State party's report.

36. **The Chairperson**, speaking in her personal capacity, requested further information about the current status of the planned amendment to the Education Act and its approach to such issues as inclusive education, reasonable accommodation, personalized support and teacher training. She asked what steps the Czech Government had taken to implement the Human Rights Committee's recommendation that the Czech Republic should provide the Office of the Ombudsman with a consolidated mandate to more fully promote and protect human rights and ensure that it had adequate financial and human resources, in line with the Principles relating to the Status of National Institutions for the Promotion and Protection of Human Rights (Paris Principles), especially as the country did not have an independent national mechanism for monitoring violations of the rights of persons with disabilities. Lastly, regarding criminal proceedings, she asked whether measures were taken to ensure the safety and treatment of accused persons who were found by the courts to have disabilities.

The meeting was suspended at 11.55 a.m. and resumed at 12.15 p.m.

37. **Mr. Krupička** (Czech Republic) said that persons with severe disabilities could register as jobseekers if they had a medical authorization to work. Without that authorization, they could not register but were free to work if they wished. In that case, however, they worked at their own risk. It was true that few of the persons with disabilities who were eligible to register as jobseekers did so, but their reasons for not registering were very likely personal. Taking part in occupational therapy did not require registering as a jobseeker.

38. Promoting the employment of persons with disabilities in the open labour market was a priority, even though most government funding currently went to the protected labour market. In 2012, steps had been taken to address abuses in sheltered workshops, and discussions were currently under way on creating additional incentives, including wage subsidies and tax deductions, for employers to hire persons with disabilities. Specialized

personnel at employment offices had contributed greatly to employers' improved awareness of the advantages of hiring such persons.

39. **Mr. Černikovský** (Czech Republic) said that since 2005, the year the Education Act had entered into force, the Czech school system had been made steadily more inclusive. Statistics showed, for example, that the falling number of children with disabilities studying in special education programmes was accompanied by a nearly identical rise in the number of those enrolling in mainstream schools. An amendment to the Education Act, which had already made it through the Parliament, had been prepared by the Government in large part to guarantee equal access to education for all children and to define the auxiliary measures necessary to ensure that all students were given the opportunity to pursue their education, to the highest degree of attainment possible, in the mainstream school system. The auxiliary measures also applied to students in secondary and post-secondary vocational schools. The amended Act, currently awaiting the signature of the President, would enter into force in September 2016.

40. The State had spent roughly 10 million euros on inclusive education in 2014, but exact figures were not easy to come by. In any event, funding for inclusive education for the 2013–2020 programming period was expected to be greater than for previous periods. Lastly, while students who needed it were taught sign language in the school system, schools specializing in teaching students with hearing impairments also reached out to parents, offering them after-hours opportunities to learn sign language.

41. **Mr. Čulík** (Czech Republic) said that disabled persons' organizations had lobbied strongly for the establishment of an independent monitoring mechanism. The Ombudsman's Office had seemed the institution best suited to monitoring violations of the rights of persons with disabilities. Its remit had been made as broad as possible, and in fact the Convention had been studied to determine some of its particular responsibilities, including raising awareness of the Convention, visiting facilities providing services to persons with disabilities and, more broadly, verifying implementation of the provisions of the Convention. It had recently been agreed that the Office would have 10 highly qualified staff members to work on monitoring issues. He was therefore certain that it had the human resources necessary to fulfil its mandate.

42. **Ms. Mičicová** (Czech Republic) said that since 1994 the Government Committee for Persons with Disabilities had awarded an annual prize for journalism focused on disability issues. The prize, which was awarded in three categories — television, radio and the print media — was an incentive for the mass media to be vehicles for positive portrayals of people with disabilities. The awards ceremony was held every year on the International Day of Persons with Disabilities and was attended by the Prime Minister.

43. **Mr. Čulík** (Czech Republic) said that Czech public television broadcasters were required to broadcast 10 minutes of news a day in sign language. In the event of an emergency, they were required to broadcast in formats accessible to persons with disabilities.

44. **Ms. Mičicová** (Czech Republic) said that the Government Committee for Persons with Disabilities, which had been established in 1991, served as the Czech Government's coordinating and advisory body on disability issues and formulated public policy regarding persons with disabilities.

45. **Mr. Čulík** (Czech Republic) said that as the Ministry of Labour and Social Affairs had taken part in negotiations over the text of the Convention, the Government had made it the focal point for coordination of the implementation of the Convention.

46. **Ms. Brzková** (Czech Republic) said that health care in the Czech Republic was available on an equal basis to all, including deaf persons and persons with other disabilities.

Indeed, as part of a project begun in 2013, hospitals throughout the country distributed tablet computers to facilitate communication between medical personnel and their deaf patients. Interpretation was provided by an NGO. The drafters of the Health Care Act of 2001 had drawn heavily on a number of charters of patients' rights, including the Principles for the Protection of Persons with Mental Illness and the Improvement of Mental Health Care. In addition, during their studies, medical and paramedical personnel took courses on ethics and on how to deal with people of different backgrounds. Medical training was currently being reformed. It was expected that the changes would be in place by late 2015. Lastly, she said that the Ministry of Health supported NGOs whose work focused on disabilities or rare diseases. Much of that support, awarded for some 500 projects a year, translated into efforts to educate the general public as well as families of children with disabilities.

47. **Mr. Čulík** (Czech Republic) said that, because of the benefits for which they were eligible, most persons with disabilities in the Czech Republic were above the poverty line. If they were below it, they qualified for the same welfare benefits as others in that situation. The Government was well aware, however, that most of the persons with disabilities who were not, strictly speaking, living in poverty were only slightly above the poverty line.

48. **Ms. Marksová** (Czech Republic) stressed that the open and constructive dialogue with the Committee would help the Czech Republic improve the lives of persons with disabilities. In particular, it would add momentum to efforts to make a number of necessary changes, including improved collection of statistics, greater provision of community-based services, reform of psychiatric treatment and deinstitutionalization. She noted that related legislation was currently being amended and reiterated her Government's commitment to dealing with those issues.

49. **Mr. Tatić** said that the secretariat would confirm whether additional replies to the questions that there had not been time to answer could be submitted in writing. He added that the State party could seek technical assistance from the Committee regarding the various laws in the pipeline.

50. **Mr. Araya** (Secretary of the Committee) said that, although it was not the practice of the Committee to ask for additional written replies, it could do so in exceptional circumstances. However, the replies, touching only on those questions that had not been answered during the dialogue, would have to be received by the secretariat within 24 hours.

The meeting rose at 1 p.m.